

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Action No. 2:12-cv-61-JRG-RSP

CONSOLIDATED

JURY TRIAL DEMANDED

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

ENTERPRISE HOLDINGS, INC.,

Defendant.

Civil Action No. 2:12-cv-181-JRG-RSP

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff TQP Development, LLC and defendant Enterprise Holdings, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims pending between them in *TQP Development, LLC v. Enterprise Holdings, Inc.*, Case No. 2:12-cv-181, WITH PREJUDICE, subject to the terms of that certain agreement entitled “**SETTLEMENT AND LICENSE AGREEMENT**” and dated April 26, 2013, with each party to bear its own costs, expenses and attorneys’ fees.

SO STIPULATED:

April 29, 2013.

Respectfully submitted,

<u>/s/ Jennifer Parker Ainsworth</u> Jennifer Parker Ainsworth Texas Bar No. 00784720 WILSON, ROBERTSON & CORNELIUS, P.C. 909 ESE Loop 323, Suite 400 Tyler, TX 75701 Telephone: (903) 509-5000 Facsimile: (903) 509-5092 jainsworth@wilsonlawfirm.com Terence P. Ross (admitted pro hac vice) tross@crowell.com Jeffrey Ahdoot (admitted pro hac vice) jahdoot@crowell.com CROWELL & MORING LLP 1001 Pennsylvania Avenue, NW Washington, D.C. 20004 Telephone: (202) 624-2500 Facsimile: (202) 628-5116 Attorneys for Defendant ENTERPRISE HOLDINGS, INC.	<u>By: /s/ Paul A. Kroeger</u> Paul A. Kroeger Marc A. Fenster, CA SB No. 181067 Email: mfenster@raklaw.com Kevin P. Burke, CA SB No. 241972 Email: kburke@raklaw.com Adam S. Hoffman, CA SB No. 218740 Email: ahoffman@raklaw.com Alexander C.D. Giza, CA SB No. 212327 Email: agiza@raklaw.com Paul A. Kroeger, CA SB No. 229074 Email: pkroeger@raklaw.com Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-699 Andrew W. Spangler, State Bar No. 24041960 Email: spangler@sfipfirm.com Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403 James A. Fussell, III, State Bar No. 2003193 Email: fussell@sfipfirm.com Spangler & Fussell P.C. 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403 Attorneys for Plaintiff TQP DEVELOPMENT, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Paul A. Kroeger
Paul A. Kroeger

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant does not oppose the relief sought.

Dated: April 30, 2013

/s/ Paul A. Kroeger
Paul A. Kroeger